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REPORT OF THE SECRETARY-GENERAL
ON THE WORK OF THE ORGANIZATION

SECURITY COUNCIL
Forty-eighth year

Note verbale dated 6 May 1993 from the Permanent Mission of Uruguay to the United Nations addressed to the Secretary-General

The Permanent Mission of Uruguay to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to his note dated 12 April 1993 requesting views and proposals from Governments concerning assistance to third States affected economically by the application of sanctions under Chapter VII of the Charter of the United Nations.

The situation covered in Article 50 of the Charter has been addressed in several forums, including the General Assembly, its subsidiary organs and the Security Council.

While the practice followed with regard to Article 50 was very limited in the past, and only in connection with Southern Rhodesia were there requests for assistance under that provision, with the crisis in the Gulf, the question became very topical. The secondary effects of the application of sanctions on third countries not involved in the conflict led to the submission of 21 requests, including one from Uruguay. Despite the recommendations adopted and the appeals made, the responses were not commensurate with the requirements, and solutions are still awaited.

Subsequently, as a result of the application of sanctions pursuant to Security Council resolutions 713 (1991) of 25 September 1991, 757 (1992) of 30 May 1992 and 787 (1992) of 16 November 1992, further requests for assistance were submitted.

An analysis of the aforementioned events demonstrates the need to have a mechanism to ensure restoration of the rights of third countries that are affected.

Bearing in mind that under Article 25 of the Charter, the Members of the United Nations are bound by the decisions adopted by the Security Council, bearing in mind that Article 50 is not an isolated provision, but is within the framework of Chapter VII, which should be applied and interpreted as a whole, and bearing in mind the principle of mutual assistance embodied in the Charter, my delegation, together with a group of co-sponsors, submitted document A/AC.182/L.76/Rev.1 at the most recent session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. That initiative is part of the general proposal contained in document A/AC.182/L.73/Rev.1, which was submitted in 1992 to that Committee.

The document refers to the establishment of a permanent mechanism that would operate automatically; the costs would not be incurred by any State or group of States, but by the United Nations as a whole, and would even be incurred outside the Organization. Through the establishment of the fund by the General Assembly, both requests for assistance that had not yet been addressed and future requests would be taken into consideration.

Contributions to the fund would be of two types: compulsory and voluntary. The first type, however, would not entail the allocation of additional resources; in other words, no new contributions would be required from Member States. In this connection, resources from the restructuring of the Secretariat, existing reserves in the regular budget and other factors could be taken into account. The proposed mechanism also envisages the possibility of direct financial assistance through bilateral or multilateral lines of credit, as well as other types of support, the enumeration of which is not exhaustive.

The document maintains a balance with regard to the various competent organs. It recognizes the role of the General Assembly in regard to budgetary matters, and the role of the Security Council in regard to the establishment of all the guidelines for considering requests for assistance - the key procedural factor in determining which cases are to be handled under the provision; at the same time, the administration of the fund is entrusted to the Secretary-General.

It is common knowledge that, to date, there is only one provision governing this question, Article 50 of the Charter, and it fails to establish any procedure for considering requests for assistance. The procedure, the way in which requests are to be handled and the criteria to be used would, under the proposed document, be the responsibility of the Security Council and its subsidiary organs. Upon the establishment of the fund by the General Assembly, the Security Council would be able to request the Secretary-General to assist the affected State.

It would be greatly appreciated if this note could be issued as an official document of the forty-seventh session of the General Assembly, under agenda item 10, and of the Security Council.